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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,184	08/02/2001	Edward O. Clapper	42390P11330	7545

21906 7590 09/08/2003

TROP PRUNER & HU, PC
8554 KATY FREEWAY
SUITE 100
HOUSTON, TX 77024

EXAMINER

TIEU, BINH KIEN

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 09/08/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/922,184	CLAPPER, EDWARD O.
	Examiner BINH K. TIEU	Art Unit 2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 July 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 23-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 23-42 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>18</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on 07/11/2003 was entered. As the results, the previous rejected claims 6-10 and 17-22 were canceled. New claims 23-42 are added and now pending in this Application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 23, 25-31, 33-35 and 37-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Swartz (U.S. Pat. #: 6,445,694).

Regarding claim 23, Swartz teach a method comprising:

receiving a communication from a sender, the communication including an audio message and sender identification information;
storing the audio message (col.12, lines 36-59);
searching for correlated information related to the sender, using the sender identification information (col.9, lines 27-39);

storing the corrected information (col.10, lines 45-59).

Regarding claims 25-30, note col.3, lines 39-59; col.6, line 50 – col.7, line 40.

Regarding claim 31, Swartz teaches an apparatus comprising:

a telephone mechanism (i.e., subscriber location as shown at 30 in figure 1) to connect to a network and to receive a communication from a sender, the communication including an audio message and sender identification information; memory to store the audio message (col.12, lines 36-59);

a search directory to search one or more remote sources of information, for correlated information related to the sender (col.9, lines 27-39); and

memory to store the corrected information (col.10, lines 45-59).

Regarding claims 33-34, see figure 10, note col.12, lines 46-54.

Regarding claim 35, Swartz teach an article storing instructions (i.e., software installed at subscriber location as shown at 30 in figure 1, col.3, line 60 – col.5, line 36) that, if executed, enable a system to:

receiving a communication from a sender, the communication including an audio message and sender identification information;

storing the audio message (col.12, lines 36-59);

searching for correlated information related to the sender, using the sender identification information (col.9, lines 27-39);

storing the corrected information (col.10, lines 45-59).

Regarding claims 37-42, note col.3, lines 39-59; col.6, line 50 – col.7, line 40.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 24, 32 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz (U.S Pat. #: 6,445,694) in view of McAllister et al. (U.S. Pat. #: 6,442,242 cited in the previous Office Action).

Regarding claims 24, 32 and 36, Swartz teaches all subject matters as claimed above. Swartz further teaches the database not only storing telephone numbers, but also fax and pager numbers and email addresses for forwarding messages to a recipient (col.11, lines 1-7). Swartz fails to clearly teach the features of encoding the audio message; composing an email message that includes the encoded audio message and transmitting the email message to a predetermined email address. However, McAllister et al. ("McAllister") teaches such features in col.8, lines 25-32 for a purpose of delivering the voice messages to designed called party through a data network.

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of the features of encoding the audio message; composing an email message that includes the encoded audio message and transmitting the email message to a predetermined email address, as taught by McAllister, into view of Swartz in order to forward the voice messages to called party using a data network such as Internet.

Response to Arguments

5. Applicant's arguments with respect to the new claims 23-42 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

Any response to this final action should be mailed to:
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**Commissioner of Patents and Trademarks
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Or faxed to:

**(703) 872-9314 (for formal communications; please mark
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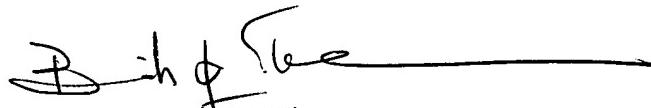
**If it is an informal or draft communication, please label
“PROPOSED” or “DRAFT”)**

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).**

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (703) 305-3963 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**


BINH TIEU
PRIMARY EXAMINER

Art Unit 2643

Date: August 28, 2003